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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,678	12/06/2005	Andreas Boehmer	05146197	3016
26565	7590	04/21/2009	EXAMINER	
MAYER BROWN LLP P.O. BOX 2828 CHICAGO, IL 60690				BRADEN, SHAWN M
ART UNIT		PAPER NUMBER		
		3781		
			NOTIFICATION DATE	
			DELIVERY MODE	
			04/21/2009	
			ELECTRONIC	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ipdocket@mayerbrown.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/559,678	BOEHMER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	SHAWN M. BRADEN	3781	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06 December 2005 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>12/06/2005</u> .	6) <input type="checkbox"/> Other: ____ .

## **DETAILED ACTION**

### ***Drawings***

1. Figure 1&2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claim 1 objected to because of the following informalities: the claim would begin with "I claim" or "we claim". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 2 recites the limitation "the chambers" and "the side walls". There is insufficient antecedent basis for this limitation in the claim.

5. Claim 4 recites the limitation "each side wall ". There is insufficient antecedent basis for this limitation in the claim.

6. Claim 6 recites the limitation "the chambers". There is insufficient antecedent basis for this limitation in the claim.

7. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Examiner cannot determine what is meant by the claim language "that each side wall has a respective chamber oriented toward it"? Clarification will be required.

8. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Examiner cannot determine what is meant by the claim language "guide elements are arranged on the chambers"? Clarification will be required.

9.

#### ***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Harde (USPN 4,354,521).

12. With respect to claim 1, Harde shows a fuel tank for a motor vehicle (fig. 1), in the upper region of which at least one opening (5) of a ventilation system and at least one chamber (2) are arranged, characterized in that at least one chamber (2) is designed in such a way that, in the event of a deviation of the fuel tank (fig.1) from a

horizontal position into an inclined position, it holds a volume of fuel (separate volume clearly shown in fig. 1) and separates said volume of fuel from the remaining volume of fuel for the duration of the inclination.

13. With respect to claim 2, Harde to the extent the claim is understood shows in the embodiment in fig. 6 the chambers (A1 and A2) are open toward the side walls (the path shown by the arrow in fig. 6) of the fuel tank (1).

14. With respect to claim 3, Harde to the extent the claim is understood shows, that the chambers (A1,A2) have a base (clearly shown in fig 6) which is designed in such a way that, in the horizontal position of the fuel tank , the base is horizontal.

15. With respect to claim 4, Harde shows in that each side wall (the left and right sidewall) has a respective chamber (A1, and A2) oriented toward it.

16. With respect to claim 5, Harde to the extent the claim is understood in that guide elements (C) are arranged on the chambers (A1, A2)

17. With respect to claim 6, Harde to the extent the claim is understood shows in that the guide elements (C) are integrally formed on the chambers (A1,A2)

18. With respect to claim 7, Harde to the extent the claim is understood shows in that the chambers (A1,A2) have receptacles (b,9,10,11) for fastening components, in particular lines, filters and pumps to them.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHAWN M. BRADEN whose telephone number is (571)272-8026. The examiner can normally be reached on Mon-Friday 9-6:30 est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anthony D Stashick/  
Supervisory Patent Examiner, Art  
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/S. M. B./  
Examiner, Art Unit 3781